

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

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2015 Legislative

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BUSINESS REPORT
MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION
SENATE JUDICIARY COMMITTEE

Date: Thursday, February 19, 2015
Place: Capitol

Time: 9:00 AM
Room: 303

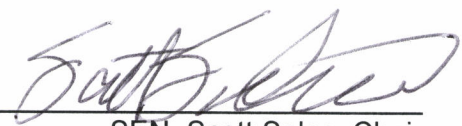
BILLS and RESOLUTIONS HEARD:

HB 129 - Clarify who must move to amend parenting plan when one parent relocates - Rep. Ellie Boldman Hill
SB 274 - Prevent the federal government from selling public lands in Montana - Sen. Jennifer Fielder
SB 298 - Enforce provisions of the enabling act regarding sale of public lands - Sen. Jennifer Fielder
SB 299 - Revising mandatory service of process laws for sheriffs - Sen. Fred Thomas
SB 304 - Revise protection of youth athlete laws - Sen. Robyn Driscoll

EXECUTIVE ACTION TAKEN:

SB 299-Tabled
SB 274-Tabled
SB 298-Do Pass As Amended
HB 129-Be Concurred In
HB 186-Be Concurred In
SB 223-Do Pass As amended
SR 15-Be Adopted As Amended

Comments:



SEN. Scott Sales, Chair

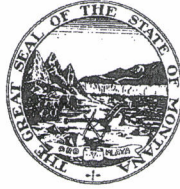
MONTANA STATE SENATE

2015 JUDICIARY COMMITTEE

ROLL CALL

DATE: 2/19/15

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN, SENATOR SCOTT SALES	—	
VICE CHAIRMAN, SENATOR JENNIFER FIELDER		—
SENATOR DIANE SANDS	—	
SENATOR ROBYN DRISCOLL	—	
SENATOR KRISTEN HANSEN		—
SENATOR JEDEDIAH HINKLE	—	
SENATOR DOUG KARY	—	
SENATOR CLIFF LARSEN	—	
SENATOR MARY MCNALLY	—	
SENATOR MARY SHEEHY MOE	—	
SENATOR NELS SWANDAL	—	
SENATOR CHAS VINCENT		—



SENATE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 1

Madame President:

We, your committee on **Judiciary** report that **Senate Bill 298** (first reading copy -- white) do **pass as amended**.

Signed: _____

Senator Scott Sales, Chair

And, that such amendments read:

1. Page 1, line 19.

Following: "pursue"

Insert: ", to the extent feasible,"

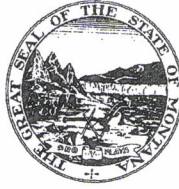
- END -

Committee Vote:

Yes 10, No 1

Fiscal Note Required X

SB0298001SC.spt



SENATE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 1

Madame President:

We, your committee on **Judiciary** report that **House Bill 129** (third reading copy -- blue) be concurred in.

Signed: _____

Scott Sales
Senator Scott Sales, Chair

To be carried by Senator Nels Swandal

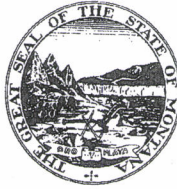
- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required X

HB0129001SC16524.spt



SENATE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 1

Madame President:

We, your committee on **Judiciary** report that **House Bill 186** (third reading copy -- blue) be concurred in.

Signed: _____

A handwritten signature in cursive script, appearing to read "Scott Sales".

Senator Scott Sales, Chair

To be carried by Senator Diane Sands

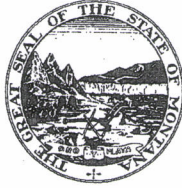
- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required X

HB0186001SC13941.spt



SENATE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 3

Madame President:

We, your committee on **Judiciary** report that **Senate Bill 223** (first reading copy -- white) do pass as amended.

Signed: _____

Senator Scott Sales, Chair

And, that such amendments read:

1. Title, page 1, line 4 through line 7.

Following: "LAWS;"

Strike: remainder of line 4 through "BAIL;" on line 7

2. Title, page 1, line 8 through line 9.

Following: "DEFENDANT"

Strike: remainder of line 8 through "COMPANY"

Insert: "FOR BREACH OF CONTRACT, UPON REQUEST OF AN INDEMNITOR,
OR FOR A VIOLATION OF A CONDITION OF RELEASE"

Following: "46-9-503"

Strike: ", "

3. Title, page 1, line 10.

Strike: "46-9-311" through "46-9-401,"

4. Page 1, line 14 through page 2, line 14.

Strike: section 1 through section 2 in their entirety

Renumber: subsequent sections

5. Page 2, line 25.

Strike: "180"

Insert: "150"

Following: "after the"

Insert: "notice of the order of"

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

6. Page 2, line 27.

Strike: "180"

Insert: "150"

Following: "after the"

Insert: "notice of the order of"

7. Page 3, line 5.

Strike: "180"

Insert: "150"

Following: "from"

Insert: "notice of the order of"

8. Page 3, line 9.

Following: "the"

Insert: "notice of the"

Strike: "of bail"

Strike: "180"

Insert: "150"

9. Page 3, line 10.

Following: "the"

Insert: "notice of the"

10. Page 3, line 13.

Following: "be"

Insert: "arrested and"

Following: "surrendered"

Insert: "by the surety company or its agent"

11. Page 3, line 14 through line 15.

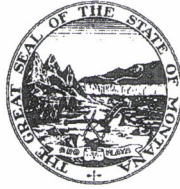
Strike: line 14 through line 15.

Insert: "for breach of any contract between the defendant and the surety company or its agent, including breach of a premium deferment agreement; upon request of an indemnitor; or for violation of a condition of release other than a failure to appear.

(2) Nothing in subsection (1)(b) may be construed as prohibiting a surety or its agent from surrendering a defendant and receiving exoneration of bail in the event that a defendant fails to appear or becomes incarcerated on new charges or for violations of release conditions."

Renumber: subsequent subsection

- END -



SENATE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 1

Madame President:

We, your committee on **Judiciary** report that **Senate Resolution 15** (first reading copy -- white) **be adopted as amended.**

Signed: _____

Senator Scott Sales, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Strike: "THE MONTANA SUPREME COURT,"

2. Page 1, line 10.

Strike: "appointments"

Insert: "appointment"

3. Page 1, line 11.

Strike: "have"

Insert: "has"

4. Page 1, line 12.

Strike: line 12 in its entirety

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ____

SR0015005SC.spt

BILL TABLED NOTICE

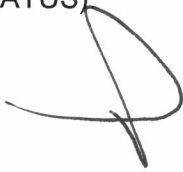
SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED

SB 274 - Prevent the federal government from selling public lands in Montana - Sen. Jennifer Fielder

SB 299 - Revising mandatory service of process laws for sheriffs - Sen. Fred Thomas

by motion, on **Thursday, February 19, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS)



(For the Committee)



(For the Secretary of the Senate)

12:50 2/19

(Time)

(Date)

February 19, 2015 (10:34am)

Pam Schindler, Secretary

Phone: 444-4618

MONTANA STATE SENATE

ROLL CALL VOTE

2015 JUDICIARY COMMITTEE

DATE 2/19/15 BILL NO SB 298 MOTION NO. 1

MOTION:

Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR CHAS VINCENT	—	—	✓
VICE CHAIRMAN, SENATOR JENNIFER FIELDER	—		
SENATOR DIANE SANDS	—		
SENATOR CLIFF LARSEN	—		
SENATOR ROBYN DRISCOLL		—	
SENATOR MARY MCNALLY	—		
SENATOR MARY SHEEHY MOE	—		
SENATOR KRISTEN HANSEN	—		—
SENATOR JEDEDIAH HINKLE	—		
SENATOR DOUG KARY	—		
SENATOR NELS SWANDAL	—		
CHAIRMAN, SENATOR SCOTT SALES	—		

10/1

MONTANA STATE SENATE

ROLL CALL VOTE

2015 JUDICIARY COMMITTEE

DATE 2/19/15 BILL NO SB274 MOTION NO. 1

MOTION:

Rolls

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR CHAS VINCENT		—	✓
VICE CHAIRMAN, SENATOR JENNIFER FIELDER	—		
SENATOR DIANE SANDS		—	
SENATOR CLIFF LARSEN		—	
SENATOR ROBYN DRISCOLL		—	
SENATOR MARY MCNALLY		—	
SENATOR MARY SHEEHY MOE		—	
SENATOR KRISTEN HANSEN	—		—
SENATOR JEDEDIAH HINKLE	—		
SENATOR DOUG KARY	—		
SENATOR NELS SWANDAL	—		
CHAIRMAN, SENATOR SCOTT SALES		—	

5/7

(Rev: Table)

SENATE PROXY

I, Senator K. Hansen, hereby authorize Senator L. Fielder to vote my proxy before the Senate meeting held on 2/19, 2015.

[Signature]
Senator Signature

2/19/15
Date

Said authorization is as follows: (mark only one)

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
SB 299 - Talke	X	
SB 298 - Concept Amend	X	
SB 298 - Dotaw As Amend	X	
HB 129 - ReConcurs In	X	
SB 274 - Dotaw	X	
SB 274 - Rv/Talke		X
HB 186 - ReConcurs In	X	
SB 223 - Amend	X	
SB 223 - Dotaw As Amend	X	
SB 15 - Separate Shear	X	
SB 15 - Dotaw Remaining	X	

two judges

X.
X.
X.

X.
X.
X.

X.

X.
X.

X.
X.
X.

SENATE PROXY

I, Senator CHAS VINCENT, hereby authorize Senator Scott Sales to vote my proxy before the Senate JUDICIARY meeting held on 2/19, 2015.

Chas Vincent
Senator Signature (Sen. Vincent)

2/19/15
Date

Said authorization is as follows: *(mark only one)*

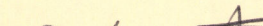
- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator JENNIFER FIELDER, hereby authorize Senator

SALES to vote my proxy before the Senate
JUDICIARY meeting held on 2/19, 2015.



 Senator Signature (Sen. Fielder)

~~1/8/15~~ 2/19/15
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

2712

1. 1000
2. 1000
3. 1000
4. 1000
5. 1000
6. 1000
7. 1000
8. 1000
9. 1000
10. 1000

SENATE JUDICIARY COMMITTEE

Sponsor: **Sen. Robyn Driscoll**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Thursday, February 19, 2015

SB 299 - Revising mandatory service of process laws for sheriffs

Sponsor: **Sen. Fred Thomas**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 129 - Clarify who must move to amend parenting plan when one parent relocates

Sponsor: Rep. Ellie Boldman Hill

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Thursday, February 19, 2015

SB 298 - Enforce provisions of the enabling act regarding sale of public lands

Sponsor: **Sen. Jennifer Fielder**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE**

Thursday, February 19, 2015

SB 274 - Prevent the federal government from selling public lands in Montana

Sponsor: **Sen. Jennifer Fielder**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE BILL NO. 274

Mr. Chairman and Committee members,

Most people don't know BLM has been for years selling off smaller parcels of land they control in Montana. BLM plans on selling the parcels of land I lease in my ranching operation.

The USFS and BLM are not our friends. BLM closed a road used to access my property that's been open since the 1800's, used by Homesteaders and miners for over 200 years.

The reason given for their actions "it takes too much time to manage the smaller parcels land in Montana compared to Nevada".

This is one bill that's really needed today.

Please pass this SB-274 it's a really good bill.

Thank you.

Dave Wood

Date: 2/19/15Bill No. HB 207**HB 207 by Rep. Zolnikov****Support**

Dear Members of the Senate Judiciary Committee,

The American Civil Liberties Union of Montana supports HB 207. This bill updates Montana's media shield law to clarify that the government may not compel the disclosure of source information held by an electronic communications service. In light of recent revelations regarding the ease with which some government entities have been able to receive information from such service providers, we support adding language to our state's media shield law that would explicitly curb the ability of law enforcement to ask electronic communications providers to turn over media source information.

Montanans are fortunate to have in our code one of the country's strongest media shield laws. The current law has worked well to protect the media and their sources, resulting in a free press and a better informed citizenry. But new developments in how the media collect and store source information make HB 207 necessary to ensure that this source information is protected from government-compelled disclosure.

Specifically, with the advent of cloud storage and email, the type of information protected by our current media shield law is now just as likely to be held on a server owned by a third-party, as it is to be written down in a notebook sitting in a reporter's desk drawer. Adding the language contained in HB 207 will eliminate the possibility that a government entity will try to work around the language of the existing media shield law by simply making their request directly to the third-party electronic communications provider -- an entity that is not explicitly covered by our existing media shield law -- and asking that provider to turn over the media source information that the government seeks. HB 207 makes clear that the electronic communications service provider may not be compelled to turn over this information, just as the media entity itself may not be.

We support this update and clarification to our media shield law and urge your support of HB 207.

Respectfully,

Niki Zupanic
Public Policy Director

nikiz@aclumontana.org

406-461-5178

ACLU of Montana

PO Box 1317, Helena, MT 59601